

House File 376 - Introduced

HOUSE FILE 376

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A BILL FOR

1 An Act relating to untested sexual abuse evidence collection
2 kits stored at law enforcement agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. SEXUAL ABUSE EVIDENCE COLLECTION KIT —
2 INVENTORY.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Laboratory" means the state criminalistics laboratory
6 or similar qualified laboratory.

7 b. "Law enforcement agency" means any governmental agency
8 that investigates persons suspected of or charged with a
9 sex abuse crime. "Law enforcement agency" also includes
10 any governmental agency that collects, stores, processes,
11 transmits, or disseminates analysis of evidence collected in
12 connection with a sexual abuse related crime.

13 c. "Forensic medical examination" means a sexual abuse
14 examination by a health care provider for the purpose of
15 gathering and preserving evidence of sexual abuse.

16 d. "Sexual abuse evidence collection kit" means a sexual
17 abuse evidence collection kit that includes a human biological
18 specimen collected by a health care provider during a forensic
19 medical examination conducted pursuant to section 709.10,
20 subsection 1.

21 e. "Untested sexual abuse evidence collection kit" means
22 a sexual abuse evidence collection kit collected pursuant to
23 section 709.10 that has not been submitted to a laboratory for
24 either a serology or deoxyribonucleic acid test.

25 2. The department of justice shall conduct a survey of law
26 enforcement agencies charged with the maintenance, storage,
27 or preservation of untested sexual abuse evidence collection
28 kits. The survey shall contain the following requirements or
29 questions:

30 a. Does your agency presently store untested sexual abuse
31 evidence collection kits?

32 b. Where does your agency store untested sexual abuse
33 evidence collection kits?

34 c. Please inventory all untested sexual abuse evidence
35 collection kits, and identify any of the following that apply:

- 1 (1) The unique identifier for the kit.
- 2 (2) The date the crime occurred.
- 3 (3) The date of examination and forensic collection.
- 4 (4) The reason for not submitting the kit to the laboratory
- 5 for analysis:
- 6 (a) The suspect has not been identified.
- 7 (b) The existence of doubt about the truthfulness of the
- 8 victim's accusation.
- 9 (c) The case has been dismissed.
- 10 (d) The uncertainty about the usefulness of the forensic
- 11 evidence in the untested sexual abuse evidence collection kit.
- 12 (e) The suspect has been identified but not formally
- 13 charged.
- 14 (f) Insufficient funds for testing the sexual abuse
- 15 evidence collection kit.
- 16 (g) The victim did not file charges.
- 17 (h) Whether consent was an issue in the case.
- 18 (i) Perceived laboratory guidelines.
- 19 (j) Other reasons.
- 20 d. (1) In the inventory of your agency, how many untested
- 21 sexual abuse evidence collection kits contain collected
- 22 forensic evidence that have not been sent to a laboratory?
- 23 (2) In the inventory of your agency, how many untested
- 24 sexual abuse evidence collection kits are held for which the
- 25 crime was not reported to law enforcement, but the kit was
- 26 still delivered to your law enforcement agency for storage?
- 27 e. How many untested sexual abuse evidence collection
- 28 kits has you law enforcement agency destroyed in the past two
- 29 calendar years?
- 30 f. Under what circumstances is an untested sexual abuse
- 31 evidence collection kit destroyed or disposed of by the agency?
- 32 Please identify any of the following that apply:
- 33 (1) Chain of evidence was compromised.
- 34 (2) Box or contents were tainted.
- 35 (3) Case is more than ten years old.

1 (4) Victim requested evidence be destroyed.

2 (5) Victim recanted report.

3 (6) Investigator has left agency.

4 (7) The agency has moved.

5 (8) Other circumstances.

6 3. The law enforcement agency shall submit the answers to
7 the survey to the department of justice by January 1, 2016.
8 If a law enforcement agency does not possess any untested
9 sexual abuse evidence collection kits, the agency shall provide
10 written confirmation of such a fact to the department of
11 justice by January 1, 2016.

12 4. a. The department of justice shall compile the results
13 of the survey and submit a written report to the general
14 assembly no later than March 15, 2016, detailing the results
15 of the survey.

16 b. The report shall also include the name and contact
17 information of each law enforcement agency that failed to
18 submit answers to the survey as required by subsection 3.

19 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
20 3, shall not apply to this Act.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to untested sexual abuse evidence
25 collection kits stored at law enforcement agencies.

26 The bill requires the department of justice to conduct
27 a survey of law enforcement agencies charged with the
28 maintenance, storage, or preservation of untested sexual
29 abuse evidence collection kits. The bill specifies numerous
30 requirements and questions that are to be a part of the survey
31 sent to law enforcement agencies.

32 The bill requires a law enforcement agency to submit the
33 answers to the survey to the department of justice by January
34 1, 2016. If a law enforcement agency does not possess any
35 untested sexual abuse evidence collection kits, the agency

1 shall provide written confirmation of such a fact to the
2 department of justice by January 1, 2016.

3 The bill requires the department of justice to compile
4 the results of the survey and submit a written report to
5 the general assembly no later than March 15, 2016, detailing
6 the results of the survey. The bill requires the report to
7 also include the name and contact information of each law
8 enforcement agency that failed to submit answers to the survey.

9 The bill defines a "law enforcement agency" to mean any
10 governmental agency that investigates persons suspected of
11 or charged with a sex abuse crime, including any such agency
12 that collects, stores, processes, transmits, or disseminates
13 analysis of evidence collected in a sexual abuse crime.

14 The bill may include a state mandate as defined in Code
15 section 25B.3. The bill makes inapplicable Code section 25B.2,
16 subsection 3, which would relieve a political subdivision from
17 complying with a state mandate if funding for the cost of
18 the state mandate is not provided or specified. Therefore,
19 political subdivisions are required to comply with any state
20 mandate included in the bill.